

Remarks

Reconsideration of the application and allowance of all pending claims are respectfully requested. Claims 1-4, 6-14, 16-25 and 27-31 remain pending.

Applicants gratefully acknowledge the indication of allowance of claims 8-9, 18-19 and 29-30.

In the Office Action dated September 25, 2003, claims 1-4, 11-14 and 21-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellsworth et al. (U.S. Patent No. 6,453,344); and claims 6-7, 10, 16-17, 20, 27-28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellsworth in view of George et al. (U.S. Patent No. 5,659,786). Applicants respectfully, but most strenuously, traverse these rejections for the reasons below.

In one aspect, applicants' invention is directed to managing logical processors of a computing environment. For example, the number of logical processors that are to be configured to a logical partition are automatically determined based on workload (see, e.g., pp. 30-34 of applicants' specification). In one example, the automatically determining uses an equation to determine whether the configuration is to be adjusted and this equation is based on workload of the logical partition (see, e.g., p. 32, lines 15-19, 26-29; and p. 33, lines 1-22).

As one particular example (e.g., independent claim 1), a method of managing logical processors of a computing environment is provided. The method includes, for instance, configuring a logical partition of the computing environment with one or more logical processors; automatically determining based on workload of the logical partition that the configuration is to be adjusted; and dynamically adjusting the configuration. Thus, in applicants' claimed invention, the determination of whether the logical partition is to be dynamically adjusted is automatic and is based on workload of the partition. This is very different from the teachings of Ellsworth.

Ellsworth describes a system in which the total number of available CPUs of the system are partitioned into one or more smaller pools of CPUs, such that a smaller pool contains the

CPUs actually used by a user. This reduces the licensing costs of the system, since the user only pays fees for the CPUs of the pool, instead of paying fees for all available CPUs of the system.

At a later time, the user may request additional CPUs to be added to the pool. That is, the user may request additional CPUs, if the user determines that more CPUs are desired and is willing to pay for these additional CPUs. Thus, in Ellsworth any adjustment to the configuration is user determined and requested, and not automatically determined, as claimed by applicants.

In particular, applicants respectfully submit that Ellsworth does not describe, teach or suggest applicants' claimed element of automatically determining based on workload of the logical partition that the configuration is to be adjusted. Instead, Ellsworth describes a manual process for reconfiguring an environment. That is, the user chooses whether the configuration is to be adjusted. This is specifically described throughout Ellsworth. As examples, in Col. 4, lines 1-2, it states: "[T]he user of the multiprocessor system 1-0 is able to establish domains..." (emphasis provided); and in Col. 10, lines 4-15, it indicates that the customer may wish to change the number of off-line processors or the number of dedicated CPUs. Further, the examples in Cols. 10-11 recite that the user upgrades the machine and the user edits the profiles. Each of these examples teaches that the determination to reconfigure is made by the user and the reconfiguration is at the user's request, and is not automatically determined, as claimed by applicants.

As further examples, in Col. 4, lines 63-67, it states: "Later on, the customer will be able to dynamically upgrade the multiprocessor system..." Further, in Col. 6, line 61, it recites that a dynamic upgrade is requested. Again, it is the user requesting the upgrade. The upgrade is not automatically determined, as claimed by applicants.

Further, a dynamic upgrade is not the same as automatically determining. The use of the word "dynamic" in Ellsworth simply indicates that a task can be accomplished without an outage. This is specifically stated in Ellsworth. For example, Col. 5, lines 1-4 define dynamic reconfiguration as follows:

Dynamic CPU reconfiguration is the ability to increase or decrease the number of CPUs a customer has purchased and are physically available for use without requiring a system reset.

Thus, dynamic reconfiguration indicates that the configuration can be performed without an outage, but has nothing to do with whether the determination to reconfigure is performed automatically or manually. In Ellsworth, the determination is made by a user, although the actual reconfiguration is performed without an outage. This is distinct from applicants' claimed invention in which the determination to reconfigure is made automatically, not manually.

In support of the rejection, Col. 7, lines 36-38, and Col. 9, lines 7-44 are indicated. However, a careful reading of those sections merely indicates that dynamic reconfiguration can take place. Again, dynamic reconfiguration is distinct from automatically determining that reconfiguration is to take place. There is no discussion at all in Ellsworth of an automatic determination. Instead, it is explicitly stated that the determination is performed by the user. Further, there is no discussion at all in Ellsworth of automatically determining based on workload of the logical partition that the configuration is to be adjusted. Again, any determination in Ellsworth is a manual determination based on a user request. The user decides whether it is willing to pay for additional CPUs. Thus, applicants respectfully submit that Ellsworth does not describe, teach or suggest at least this aspect of applicants' claimed invention.

Based on the foregoing, applicants respectfully request an indication of allowability for independent claims 1, 11, 21 and 22. Further, the dependent claims are patentable for the same reasons as the independent claims, as well as for their own additional features. Thus, applicants respectfully request an indication of allowability for all pending claims.

In addition to the above, applicants take note of the Notice of Draftsperson's Review and respectfully submit that formal drawings were submitted on December 28, 1999 and received in the Patent Office on January 3, 2000. Please indicate whether the formal drawings have been reviewed. Thank you.

Applicants invite the Examiner to contact applicants' representative at the below listed number, should the Examiner still have any concerns regarding this application.

Respectfully submitted,

Blanche E. Schiller  
Blanche E. Schiller  
Attorney for Applicants  
Registration No.: 35,670

Dated: November 25, 2003.

HESLIN ROTHENBERG FARLEY & MESITI P.C.  
5 Columbia Circle  
Albany, New York 12203-5160  
Telephone: (518) 452-5600  
Facsimile: (518) 452-5579